

## II. REMARKS

### Preliminary Remarks

Upon entry of this amendment, claims 2-16 and 34 will be pending in this application of which claims 2 and 3 are independent. Claims 2 and 3 are amended to delete the term "which is a base material". The applicants believe that no new matter has been added as a result of these amendments.

The applicants respectfully entry of the foregoing amendment pursuant to 37 C.F.R. § 1.116 and request reconsideration and allowance of the present application. Should the examiner maintain the final rejection, the amendments to the claims will place the application in better form for appeal. This amendment is filed within the shortened statutory period for response, which ends on May 21, 2003. Therefore, the applicants believe that no fee is due.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached Appendix is captioned "Version with markings to show changes made".

### Patentability Remarks

#### *Rejections under 35 U.S.C. §103(a) –*

The examiner rejected claims 2 and 34 as allegedly being unpatentable over Simon (U.S. Pat. No. 4,560,069) in view of Curry, Jr. (U.S. Pat. No. 4,267,928). The applicants respectfully traverse.

Neither of the references, alone or in combination, teach or suggest packing a glass base material of an optical fiber, as claimed in claims 2 and 34. Therefore, claims 2 and 34 are not unpatentable under 35 U.S.C. §103(a) and the applicants respectfully request removal of this rejection.

The examiner rejected claims 3-6 as allegedly being unpatentable over Simon in view of Curry, Jr., and in further view of Harmony (U.S. Pat. No. 4,268,567).

As noted previously, neither Simon nor Curry, Jr. teach or suggest packing a glass base material of an optical fiber. Harmony does not make up the deficiencies in Simon and Curry, Jr. For example, Harmony does not use packing material containing air. Therefore, claims 3-6 are not unpatentable under 35 U.S.C. §103(a) and the applicants respectfully request removal of this rejection.

Inventor(s): NAGAO *et al.*  
Application No.: 09/512,276  
Attorney Docket No.: 007874-0266298

The examiner rejected claim 8 as allegedly being unpatentable over Simon in view of Curry, Jr., Harmony, and in further view of Dhority *et al.* (U.S. Pat. No. 5,236,088).

Once again, none of Simon, Curry, Jr., and Harmony teach or suggest packing a glass base material of an optical fiber and Dhority *et al.* does not make up the deficiencies in these references. Dhority *et al.* describe a kit for handling and shipping explanted orthopedic implants and/or tissue samples (see column 1, lines 7 to 10) and do not describe any of the limitations in claim 8. Therefore, claim 8 is not unpatentable under 35 U.S.C. §103(a) and the applicants respectfully request removal of this rejection.

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue that the examiner feels may be best resolved through a personal or telephone interview, the examiner is strongly urged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By:



Thomas A. Cawley, Jr., Ph.D.  
Registration No.: 40,944  
Direct Phone No.: 703-905-2144  
Direct Facsimile No.: 703-738-2123

TAC\GP

P.O. Box – 10500  
McLean, VA 22102

General Telephone: 703-905-2000  
General Facsimile: 703-905-2500

**APPENDIX**  
**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

2. (Twice Amended) A method of packing a glass base material [**, which is a base material**] of an optical fiber, comprising:

putting said glass base material having a cylindrical shape over its whole length into a plastic bag; and

packing said glass base material which has been put in a plastic bag into a cylindrical container, which container is rigid enough to withstand a load from said glass base material.

3. (Twice Amended) A method of packing a glass base material [**, which is a base material**] of an optical fiber, comprising:

rolling up said glass base material having a cylindrical shape over its whole length with air packing material that contains air inside; and

packing said glass base material rolled up with said air packing material into a cylindrical container, which container is rigid enough to withstand a load from said glass base material.